

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Winslow, Camp Verde, Mayer,
Sun City West, and Yuma, Arizona)

)
) MM Docket No. 99-246
) RM - 9593
) RM - 9770

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

REPLY COMMENTS

1. Desert West Air Ranchers Corporation ("Petitioner"), permittee of Station KFMR(FM), Winslow, Arizona, by its counsel, hereby submits its Reply Comments in response to the Public Notice of November 4, 1999, Report No. 2369. The Public Notice sets forth Petitioner's proposal to reallocate Channel 236C from Winslow to Sun City West as a first local service at a new transmitter site provided a new reference point is designated for Station KTTI(FM), Yuma, Arizona for its vacant Class C allotment. In the event the Yuma reference point is not changed or if the Sun City West proposal were unacceptable for any other reason, Petitioner proposed as an alternative the reallocation of Channel 236C to Mayer, Arizona as its first local service.

2. In its Reply Comments, Capstar Royalty II Corporation, licensee of Station KTTI(FM), Yuma, Arizona, opposed the change in its vacant Class C allotment reference point noting that it has had the station for a year and a half and intends to file an application for Class C facilities. That statement was made on September 7, 1999. Petitioner has checked the Commission's records but is unable to find any indication that an application has been filed for Class

C facilities at Yuma at this time. Accordingly, Petitioner again urges the Commission to deal with this situation by deleting the unused Class C allotment if an application is not filed by the conclusion of this proceeding. If the licensee does file an application, Petitioner will attempt to accommodate KTTI's desired site by changing its reference point to the extent possible to enable Petitioner to provide a 70 dBu signal to Sun City West.

3. In that regard, Petitioner would like to take this opportunity to elaborate on its method for determining principal community coverage of Sun City West. The Commission's rules describe its methodology of coverage in Section 73.313 by using the F (50, 50) curves also known as the standard prediction method. While the Commission has used a circular prediction method in the allocations context, it has also used the standard prediction method of Section 73.313 in the allocations context when a transmitter site is proposed by the station licensee, since the licensee is the only party that can file an application for the facility. See Woodstock and Broadway, VA, 3 FCC Rcd 6398 (1998). Petitioner has used Section 73.313 on two prior occasions in the rule making context to demonstrate principal community coverage in both cases. The specified transmitter site exceeded the distance that the Commission assumes under the circular method for 70 dBu coverage. On both occasions, the Commission granted the proposals relying on Section 73.313. See Casa Grande, Claypool and Kearny, AZ, (Notice of Proposed Rule Making) 4 FCC Rcd 2683 (1989) at note 3, (Report and Order) 5 FCC Rcd 157 (1990); Avra Valley, Comobabi, Florence, Oracle, Oro Valley and San Carlos, Arizona, 12 FCC Rcd 1202 (1997) at note 13. Petitioner's use of Section 73.313 is discussed further in the attached Engineering Statement. Petitioner is using the same method here to demonstrate 70 dBu coverage over Sun City West pursuant to Section 73.313 as it has used in the two previous cases. Petitioner's position is that this method has a basis in the

Commission's Rules whereas the circular method used on other occasions by the Commission staff is not found in the Commission's Rules.

4. With regard to the Mayer proposal, Petitioner specified a transmitter site which is close to Mayer and was fully spaced to the vacant Yuma Class C allotment. However, Petitioner would prefer to have additional site flexibility for a Mayer transmitter site due to mountainous terrain to the east and west of this area. Therefore, Petitioner requests with respect to the Mayer proposal as well that the Commission either place a site restriction on the Yuma vacant Class C allotment as Petitioner already proposed or delete the Yuma Class C channel if no application is filed as requested above. As noted in Petitioner's Comments, Petitioner will apply for Channel 236C at Mayer at a new site which complies with the Commission's spacing rules whether or not the Yuma Class C channel is deleted, modified or retained.

5. Accordingly, Petitioner respectfully urges the Commission to grant the reallocation of Channel 236C to Sun City West as its first choice or to Mayer, Arizona and, in either case, change the Yuma Class C reference point or delete the channel.

Respectfully Submitted,

DESERT WEST AIR RANCHERS CORPORATION

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Its Counsel

November 19, 1999

FURTHER TECHNICAL ANALYSIS
KFMR CITY OF LICENSE CHANGE

Desert West Air Ranchers Corporation ("Desert"), permittee of FM Station KFMR, Winslow, Arizona, hereby offers its Further Technical Analysis for its Comments and Alternate Proposal filed on August 23, 1999 (the "Counterproposal") which proposed to change the Community of License of FM Station KFMR from Winslow, Arizona to Sun City West, Arizona.

1. KFMR AT SUN CITY WEST

In its Counterproposal, Desert proposed to change the KFMR Community of License to Sun City West, Arizona as a Class C FM on Channel 236C at a special reference point for Sun City West: **34-16-35 N 112-07-30 W** (the "Sun City West Special Reference Point"). Included was Exhibit E1 which showed that the proposal was fully spaced to all allocations and facilities except the unused Class C allocation at Yuma, Arizona whose reference point was proposed to be moved.

To demonstrate that maximum Class C facilities from the proposed Sun City West Special Reference Point could cover 100 percent of Sun City West with a city grade contour (70 dBu), Desert employed the standard contour prediction method contain in 47 CFR § 73.313 of the Commission's Rules and Regulations. Exhibit E3 of the Counterproposal clearly demonstrates that such a facility does cover 100 percent of Sun City West without terrain obstruction.

Desert understands that in order to expedite allocation requests, in addition to the standard prediction method contained in 47 CFR § 73.313, the Commission sometimes uses the uniform terrain concept (flat earth) which predicts coverage utilizing only the reference facilities for the station class and a circular 70 dBu contour; however, in two previous Rulemaking proceedings involving Desert, the Commission utilized the standard contour prediction method contain in 47 CFR § 73.313 to determine compliance with the city grade requirement.

In MM Docket No. 89-75 the Commission allocated channel 287C2 to Kearny, Arizona at a allocation reference point (not a proposed actual transmitter site) located 42 km from the proposed community even though the uniform terrain concept allowed only 32.6 km for a Class C2 station.

In MM Docket No. 95-127 the Commission allocated channel 276C1 to Florence, Arizona at an allocation reference point (not a proposed actual transmitter site) located 56 km from the proposed community even though the uniform terrain concept allowed only 50.1 km for a Class C1 station.

2. FIRST ALTERNATIVE PROPOSAL

In the event that the Commission finds that it is not inclined to adopt the Sun City West proposal, then Desert is alternatively proposing that KFMR change its community of license to Mayer, Arizona utilizing Channel 236C at the Sun City West Special Reference Point that does require a change in the Yuma Class C reference point or deletion of that class of channel

Exhibit E3 demonstrated that maximum Class C facilities from the proposed Sun City West Special Reference Point could cover 100 percent of Mayer with a city grade contour (70 dBu) employing the standard contour prediction method contain in 47 CFR § 73.313 of the Commission's Rules and Regulations. Exhibit E3 of the Counterproposal clearly demonstrated that such a facility does cover 100 percent of Mayer without terrain obstruction. In addition, Mayer lies completely within the coverage of the reference facilities for the station class and a circular 70 dBu contour.

2. SECOND ALTERNATIVE PROPOSAL

In the event that the Commission finds that it is not inclined to adopt the Mayer proposal at the Sun City West Special Reference Point, then Desert is alternatively proposing that KFMR change its community of license to Mayer, Arizona utilizing Channel 236C from the fully spaced reference point specified in the Counterproposal which can provide both city grade coverage and line of sight over Mayer.

Exhibit E13 demonstrated that maximum Class C facilities from the proposed Mayer special reference point would cover 100 percent of Mayer with a city grade contour (70 dBu) employing the standard contour prediction method contain in 47 CFR § 73.313 of the Commission's Rules and Regulations. Exhibit E13 of the Counterproposal clearly demonstrated that such a facility does cover 100 percent of Mayer without terrain obstruction. In addition, Mayer lies completely within the coverage of the reference facilities for the station class and a circular 70 dBu contour.

CERTIFICATE OF SERVICE

I, Lisa M. Balzer, a secretary in the law firm of Shook, Hardy and Bacon, do hereby certify that I have on this 19th day of November, 1999 caused to be mailed by first class mail, postage prepaid, copies of the foregoing “**REPLY COMMENTS**” to the following:

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* HAND DELIVERED